HONOURABLE SRI JUSTICE J. CHELAMESWAR

AND

HONOURABLE SRI JUSTICE G. BHAVANI PRASAD

W.P.No.15178 of 2006

DATE: 01.08.2006

Between:

S. Sahebpeer, S/o S. Basha Saheb

…. Petitioner

And:

The Regional Transport Authority,
Transport Depot, Government of Andhra Pradesh,
Chittoor, Chittoor District and two others.

….Respondents

ORDER: (Per Hon'ble Sri Justice J. Chelameswar)

The writ petition has been filed with the following prayer:

> "to issue a Writ of Mandamus declaring the action of the respondents in seizing the vehicle bearing No.A.P.03-A-9405 which was seized by the second respondent vide check report No.2977590 dated 7.6.2006 is illegal, arbitrary, unjust and consequently direct the respondent No.2 to release the vehicle of the petitioner forthwith.

The petitioner claims to be the owner of a motor vehicle bearing No.AP03-A-9405, which was seized by the second respondent on

07.6.2006 vide check report No.2977590 on the ground that while plying the said vehicle, the petitioner committed certain irregularities, which are mentioned in the vehicle check report as follows:

> "Stopped and checked the said vehicle while proceeding from Peddamandem to Thamballapalli with 8 eldest passengers belongs to same party and found that the following irregularities. 1. Plying without payment of tax from 1-10-2005 to till date; 2. No evidencing fitness certificate. Thus, plying without payment of tax. Thus, seized U/s.8 of A.P.M.V. Act and handed over to Thamballapalli Police Station for safe custody. The driver is advised to pay tax and penalty at DTA office, Chittoor."

Hence, the present writ petition.

Heard the learned counsel for the writ petitioner and the learned Government Pleader for Commercial Tax.

In the circumstances, we are of the opinion that the matter can be disposed of at the stage of admission directing the respondents to complete the enquiry and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of copy of this order.

However, in the meanwhile, if the petitioner pays the tax due to the Government, he shall be entitled for release of the vehicle without prejudice to the further proceedings to be taken by the respondents.

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J. CHELAMESWAR, J

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G. BHAVANI PRASAD, J

Date: 01.08.2006

Note: Issue C.C. tomorrow.

B/O Ksn